

285), Scholastic and HMH were permitted to file a Memorandum of Fact and Law supporting the Scholastic/HMH Motion of up to 50 pages in length and have the opportunity to file a Reply Memorandum of up to ten pages. In addition, Vanderbilt was given the opportunity to file a single Memorandum of Fact and Law in response of up to 50 pages. When filed, the Scholastic/HMH Memorandum was 49 pages long.

2. As the Court is aware, this dispute involves multiple parties, numerous claims involving multiple products and agreements, and events that span more than thirty-five years. The Scholastic/HMH Motion for Summary Judgment involves five major issues with more than twenty sub-parts.
3. In order to adequately and fully respond to these numerous issues and arguments, Vanderbilt requests an additional ten pages, for a total of sixty pages.
4. While Vanderbilt acknowledges that sixty pages makes for a lengthy brief, it asserts that rather than filing two 25-page briefs in support of a motion for summary judgment on behalf of each Defendant, Scholastic and HMH combined their motion into one 50-page document. In the normal course of events, Vanderbilt would have had the opportunity to file two twenty-five page responses. Accordingly, the requested relief only provides Vanderbilt with an additional five pages per Defendant.
5. Vanderbilt asserts that these additional ten pages are reasonable and necessary for it to adequately address the numerous arguments raised by Defendants in their 49-page combined brief.
6. If Vanderbilt is permitted to file an additional ten pages in its Response brief to the Motion for Summary Judgment, with the Court's permission, the parties have agreed that Scholastic and HMH may have up to two additional pages for their joint Reply.
7. In addition, the parties request that Vanderbilt be permitted up to five additional pages for its

Response to Scholastic, HMH, and Hasselbring's Daubert Motion (Dkt. 288). Again, the parties request these additional pages because the omnibus motion brought by all three Defendants deals with the exclusion of three separate experts for differing reasons. Vanderbilt believes it needs the additional pages to adequately and fully address the arguments raised.

8. If Vanderbilt is permitted to file an additional five pages in its Response to Defendants' Joint Daubert Motion, with the Court's permission, the parties have agreed that Scholastic, HMH, and Hasselbring may file up to two additional pages for their Reply to the Daubert Motion.

For the foregoing reasons, Vanderbilt requests that the Court permit it to file up to sixty pages in its responsive Memorandum of Fact and Law to the joint Scholastic/HMH Motion for Summary Judgment and up to thirty pages in its responsive Memorandum of Fact and Law to Defendants' Daubert Motion. Vanderbilt further request that Defendants be permitted to file up to two additional pages in their Replies on both Motions. A proposed Order is attached to this Motion as **Exhibit A**.

Dated this 3rd day of March, 2021.

Respectfully submitted,

/s/ Paige W. Mills

John W. Harbin (*pro hac vice*)

(Georgia Bar #324130)

Mary Katherine Bates (*pro hac vice*)

(Georgia Bar #384052)

Meunier Carlin & Curfman LLC

999 Peachtree Street NE, Suite 1300

Atlanta, Georgia 30309

(404) 645-7700

jharbin@mcciplaw.com

kbates@mcciplaw.com

Paige W. Mills #016218

Audrey J. Anderson #031910

Mary Leigh Pirtle #026659

Ashleigh Karnell #036074

Bass, Berry & Sims PLC
150 Third Avenue South, Suite 2800
Nashville, TN 37201
(615) 742-6200
pmills@bassberry.com
audrey.anderson@bassberry.com
mpirtle@bassberry.com
ashleigh.karnell@bassberry.com

Attorneys for Plaintiff Vanderbilt University

CERTIFICATE OF SERVICE

I certify that March 3, 2021, by filing with the Court's ECF system, I caused to be served a true and accurate copy of the foregoing, on the following:

Caren Decter (*pro hac vice*)
Edward H. Rosenthal (*pro hac vice*)
Viviane K. Scott (*pro hac vice*)
Frankfurt, Kurnit, Klein & Selz, P.C.
28 Liberty Street
New York, NY 10005
(212) 826-5524
cdecter@fkks.com
erosenthal@fkks.com
vscott@fkks.com

Nicole Bergstrom (*pro hac vice*)
Frankfurt, Kurnit, Klein & Selz, PC
28 Liberty Street, 35th Floor
New York, NY 10005
(212) 705-4858
nbergstrom@fkks.com

Thor Y. Urness, #13641
Kimberly M. Ingram #35191
Bradley Arant Boult Cummings LLP
1600 Division Street, Suite 700
Nashville, TN 37203-0025
(615) 244-2582
turness@bradley.com
kingram@bradley.com

Attorneys for Defendant Scholastic Inc.

Benjamin E. Marks (*pro hac vice*)
David J. Lender (*pro hac vice*)
Jessica Falk (*pro hac vice*)
Sara Lonks (*pro hac vice*)
Taylor Dougherty (*pro hac vice*)
Weil, Gotshal & Manges
767 Fifth Avenue
New York, NY 10153
(212) 310-8000
benjamin.marks@weil.com
david.lender@weil.com
jessica.falk@weil.com
sara.lonks@weil.com
taylor.dougherty@weil.com

Michael G. Abelow, #26710
Sherrard Roe Voight & Harbison, PLC
150 Third Avenue South
Suite 1100
Nashville, TN 37201
(615) 742-4532
mabelow@srvhlaw.com

*Attorneys for Defendant Houghton Mifflin
Harcourt Publishing Company*

Aubrey B. Harwell, Jr., #2559
Thomas H. Dundon, #4539
Erik C. Lybeck, #35233
Neal & Harwell, PLC
1201 Demonbreun Street, Suite 1000
Nashville, TN 37203
(615) 244-1713
aharwell@nealharwell.com
tdundon@nealharwell.com
elybeck@nealharwell.com

Attorneys for Defendant Ted S. Hasselbring

/s/ Paige W. Mills
Paige W. Mills